

REMARKS

Claims 1-34 are pending in the present patent application. The Applicants' attorney has amended claims 26, 27, and 33. But if after considering this response the Examiner does not agree that all of the claims contain patentable subject matter (with allowance subject to the submission of a Supplemental Reissue Declaration), then the Applicants' attorney requests that the Examiner contact him to schedule and conduct a telephone interview before issuing a subsequent Office Action.

Rejection Of Claims 1-34 As Being Based Upon A Defective Reissue Declaration Under 35 U.S.C. § 251

For efficiency, the Applicants' attorney will submit a Supplemental Reissue Declaration after all other issues preventing allowance of the claims have been resolved.

Rejection Of Claims 1-34 As Improperly Recapturing Subject Matter Surrendered In The Application For The Patent Upon Which The Reissue Is Based Under 35 U.S.C. § 251

Claims 1 - 25

The rejection is improper as to these claims because these claims are the original claims or are reissue claims that depend from the original claims, and the relevant sections of original independent claims 1, 7, and 12 have not been amended. Therefore, claims 1, 7, 12, and the claims that depend from these claims include the surrendered subject matter, and thus cannot recapture the surrendered subject matter.

Claims 26 - 34

The Applicants' attorney has amended claims 26, 27, and 33 to include the subject matter surrendered during prosecution of U.S. 5,710,461 to gain the allowance of claims 28 and 46 (issued as claims 7 and 12); consequently, claims 26-34 are not broader than the original claims 7 and 12 in an aspect related to the surrendered subject matter.

For example, during prosecution of U.S. 5,710,461, it was argued that claims 28 and 46 (which issued as claims 7 and 12) were patentable because they each recited "said multiple independently planarized layers of dielectric material including at least three different layers of dielectric material, with at least two of said layers of dielectric material being independently planarized layers of spin-on glass." Similarly, reissue claim 26 recites "three different dielectric layers, two of the three dielectric layers being independently planarized spin-on glass layers." Likewise, reissue claim 27 recites "the plurality of independently planarized spin-on glass layers includes a first independently planarized spin-on glass layer . . . an oxide layer disposed on the first spin-on glass layer, and a second independently planarized spin-on glass layer disposed on the oxide layer." And claim 33 recites "a plurality of different independently planarized spin-on glass layers [and] . . . a dielectric layer disposed between two of the independently planarized spin-on glass layers, the dielectric layer being different from the two independently planarized spin-on glass layers."

CONCLUSION

In view of the above, claims 1-25, 28-32, and 34 as pending and claims 26, 27, and 33 as amended are in condition for allowance, and that action is requested.

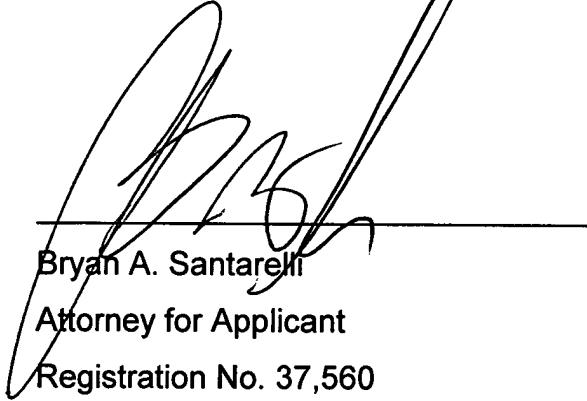
In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, Bryan Santarelli, at (425) 455-5575.

DATED this 6th day of December, 2007.

Respectfully submitted,

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